

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 6, 2004**

CRIM	THE PEOPLE	Certified for publication
No.	v.	
G031747	CHRISTOPHER JOSEPH MILLER	

Order modifying opinion; no change in judgment.

Sills, P.J.

We concur: Rylaarsdam, J.  
Moore, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033550	JULIO D.	

Opinion filed. Order affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.  
O'Leary, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 7, 2004**

CIVIL No. G030601	FRANKLIN E. OPP v. CITY OF HUNTINGTON BEACH et al.	Not for publication
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Opinion filed. Judgment reversed with directions.

Sills, P.J.

We concur: Rylaarsdam, J.  
Bedsworth, J.

CIVIL No. G032800	R. CRAIG SCOTT v. ASSURED PERSONNEL SERVICES, INC., et al.	Not for publication
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Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Bedsworth, Acting P.J.  
Aronson, J.

CRIM No. G032896	THE PEOPLE v. HOWARD WESLEY GILL	Not for publication
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Opinion filed. Judgment affirmed.

Ikola, J.

We concur: Bedsworth, Acting P.J.  
Aronson, J.

CRIM No. G033164	THE PEOPLE v. YONG CHENG CHANG et al.	Not for publication
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Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: O'Leary, J.  
Aronson, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 7, 2004 (Cont'd)**

CRIM No. G033596	THE PEOPLE v. SCOTT MARK LAIR	Not for publication
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Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: Aronson, J.  
Ikola, J.

CIVIL No. G033875	GENE C. MIX et al. v. THE SUPERIOR COURT OF ORANGE COUNTY; MANDEEP BEHNIWAL et al.	Certified for publication
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Opinion filed. Petition granted.

Sills, P.J.

We concur: Rylaarsdam, J.  
Ikola, J.

CIVIL No G034224 G034636 G033638	TRIPOLE CORPORATION et al. v. NOVELL INCORPORATED et al.
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Order filed. On November 23, 2004, this court issued an order granting the motion to vacate the dismissal and reinstate the appeal in case number G034224. Due to clerical error and inadvertence, the order also purported to consolidate case number G034224 with case number G033638, an appeal dismissed on March 29, 2004, rather than case number G034636. Thus, the November 23, 2004, order is corrected to read: "Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is granted. Appellant's motion to consolidate case number G034224 and G034636 is granted. The appeals are now consolidated for all purposes. Appellant's opening brief in the consolidated appeals shall be due 30 days from the date of this order."

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 7, 2004 (Cont'd)**

CIVIL  
No.  
G034762

THOMAS J. McKINNEY  
v.  
THE SUPERIOR COURT OF SAN DIEGO COUNTY;  
CITY OF SAN DIEGO, et al.

Certified for publication

Opinion filed. Petition denied.

Sills, P.J.

We concur: Rylaarsdam, J.  
O'Leary, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 8, 2004**

No minutes for this date.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 9, 2004**

CIVIL No. G032826	HUNTINGTON BEACH POLICE OFFICERS' ASSOCIATION v. CITY OF HUNTINGTON BEACH	Not for publication
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Opinion filed. Order affirmed.

Aronson, J.

We concur: Sills, P.J.  
Ikola, J.

CRIM No. G033583	THE PEOPLE v. VINH QUANG VU	Certified for publication
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Opinion filed. Judgment affirmed in part, reversed in part, and remanded with directions.

O'Leary, Acting P.J.

We concur: Moore, J.  
Fybel, J.

CIVIL No. G034531	PHILIP SMALL et al. v. DENNIS PAULL et al.
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Order filed. Appellants' motion for relief from default is treated as a motion to vacate dismissal and to reinstate the appeal and is granted. The order filed on November 16, 2004, dismissing the appeal is vacated and the appeal is reinstated.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 10, 2004**

CIVIL No. G032195	CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION et al. v. GOVERNING BOARD OF THE SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT	Certified for partial publication
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Order modifying opinion; no change in judgment.

Aronson, J.

We concur: O’Leary, Acting P.J.  
Fybel, J.

CRIM No. G032720	THE PEOPLE v. SUSAN M. LEONARD
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Order filed. The petition for rehearing is denied.

Ikola, J.

We concur: Bedsworth, Acting P.J.  
Aronson, J.

CIVIL No. G032847	JACK R. FINNEGAN v. RICHARD DeFRANCISCO et al.
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Order filed. The petition for rehearing is denied.

Sills, P.J.

We concur: Aronson, J.  
Ikola, J.

CRIM No. G033230	JACK R. FINNEGAN v. RICHARD DeFRANCISCO et al.
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Order filed. The petition for rehearing is denied.

Sills, P.J.

We concur: Aronson, J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 10, 2004 (Cont'd)**

CRIM No. G033353	THE PEOPLE v. JOHN HOWARD FARAGALLI	Not for publication
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Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.  
O'Leary, J.

CIVIL No. G033842	ORANGE COUNTY SOCIAL SERVICES AGENCY v. MELISSA M.	Not for publication
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Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Sills, P.J.  
Moore, J.